

## **REMARKS/ARGUMENTS**

### ***Status of the Application***

In the Non-Final Office Action, claims 8-12 and 38-42 were rejected. In the present response, claims 8, 9, and 42 were amended to remove references to SEQ ID NO:10. Thus, claims 8-12 and 38-42 are pending. No new matter was added.

### ***Rejections Under 35 U.S.C. § 102(a)***

Claims 8-12 and 38-42 were rejected under 35 U.S.C. § 102(a) as being anticipated by Tanner SM *et al.*, Proc. Natl. Acad. Sci. USA 98:13901-06 (2001). Applicants respectfully traverse these rejections.

The Examiner asserts that Tanner SM *et al.* disclose the deposit of polynucleotide sequences that encode polypeptides having 100% identity to SEQ ID NO:2 of the present application. In response, Applicants submit a Declaration under 37 C.F.R. § 131 signed by John Robinson swearing behind the publication date (November 13, 2001, online publication date) of Tanner SM *et al.* Specifically, Mr. Robinson states in the Declaration that the amino acid sequence at issue, SEQ ID NO:2, was reduced to practice in the United States prior to the publication date of Tanner SM *et al.* In support of the declaration, Applicants also attach signed notebook pages (Exhibit 1 for rat PAIGB protein), with dates redacted, that exemplify the rat PAIGB protein (see highlighted text in Exhibit 1). Thus, Applicants respectfully submit that Tanner SM *et al.* has been removed as a reference against the present application.

Applicants note that Exhibit 1 was erroneously submitted in accompaniment to the 131 Declaration filed March 31, 2005. The correct data for human PAIGB protein is submitted herewith as Exhibit 2. The reduction to practice date for the data in Exhibit 2 is prior to the publication date of Tanner *et al.* Thus, even though claims to the human PAIGB protein have been canceled from the present application, Applicants file Exhibit 2 to correct their mistaken filing of Exhibit 1 along with the 131 Declaration filed March 31, 2005.


### ***Summary***

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. In order to expedite disposition of this case,

Ser. No. 10/705,716  
Docket No. AM100401

the Examiner is invited to contact Applicants' representative at the telephone number below to resolve any remaining issues. Should there be a fee due which is not accounted for, please charge such fee to Deposit Account No. 501447 (Potter Anderson & Corroon LLP).

Respectfully submitted,

By:   
Jeffrey B. Saffran  
Attorney for Applicants  
Reg. No.: 54,689  
Telephone: (302) 984-6132  
Facsimile: (302) 658-1192

Dated: December 8, 2006